

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

STONINGTON VINEYARDS, INC. et al. )

*Plaintiffs,* )

v. )

EDDIE J. JENKINS, in his official capacity )  
as Chairman of the Massachusetts Alcoholic )  
Beverages Control Commission, )

*Defendants.* )

CIVIL ACTION No. 1:05cv-10982-JLT

**WINE & SPIRITS WHOLESALERS OF MASSACHUSETTS, INC.’S  
MOTION TO INTERVENE AS A PARTY DEFENDANT**

Wine & Spirits Wholesalers of Massachusetts, Inc. (hereinafter “Wholesalers”) hereby move to intervene as of right as a party defendant in the above-captioned action, or in the alternate as a permissive intervenor, and assert in support of its Motion the following grounds, which are more fully set forth and discussed in the accompanying Memorandum of Law:

1. The Wholesalers’ Motion to Intervene is timely in that the Complaint was filed on May 12, 2005, an assented to Motion to Amend the Complaint was filed on August 2, 2005, and no scheduling conference has occurred in this action. As a result, no discovery has been taken to date and the parties will not be prejudiced by the Wholesalers intervention;

2. The Wholesalers have a direct and substantial interest in maintaining the three-tiered structure of alcoholic beverages regulation, which is the subject of this action;

3. The Wholesalers interests are not adequately represented by the existing Defendant, Eddie J. Jenkins, chairman of the Massachusetts Alcoholic Beverages Commission (hereinafter “ABCC”), in this action;

4. The Wholesalers are similarly situated to the ABCC in this case and the disposition will impair or impede their ability to protect its interest;

5. The Wholesalers' intervention will not hinder the Court's consideration for declaratory and injunctive relief or other aspects of this case;

6. On August 8, 2005, the plaintiffs moved for judgment on the pleadings, which the Wholesalers seek leave to oppose in a separate motion filed herewith; and

7. Allowing the Wholesalers to intervene in this action will serve the interests of justice and not prejudice the existing parties or place additional burden on this Court.

WHEREFORE, Wine & Spirits Wholesalers of Massachusetts, Inc. respectfully requests that this Honorable Court grant its Motion to intervene as of right pursuant to Fed. R.Civ.P. 24(a)(2) or in the alternative to grant it to permissively intervene pursuant to Fed. R.Civ.P. 24(b)(2).

Respectfully Submitted,  
WINE & SPIRITS WHOLESALERS of  
MASSACHUSETTS, INC.,  
By its attorneys,

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